

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA**

PETER POE, *et al.*,

Plaintiffs,

v.

GENTNER DRUMMOND, *et al.*,

Defendants.

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No. 4:23-cv-00177-JFH-SH

**Motion of Arkansas, Alabama, Alaska, Florida, Georgia, Idaho, Indiana, Iowa, Kansas,
Kentucky, Mississippi, Missouri, Montana, Nebraska, North Dakota, South Carolina,
South Dakota, Utah, and West Virginia For Leave to File Brief as *Amici Curiae* in Support
of Defendants' Opposition to Motion for Preliminary Injunction**

Proposed amici curiae are the States of Arkansas, Alabama, Alaska, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Mississippi, Missouri, Montana, Nebraska, North Dakota, South Carolina, South Dakota, Utah, and West Virginia. Proposed amici respectfully move for leave to file the attached amicus brief in support of Defendant's Opposition to Motion for Preliminary Injunction. Amici States offer unique and important perspectives on the implication of Plaintiffs' arguments and request for relief, and believe their briefing will benefit the Court.

District courts have broad discretion to allow participation of amici curiae. While this Court does not have specific rules for the filing of amicus briefs, it has "inherent authority" to allow them. *United States v. Louisiana*, 751 F. Supp. 608, 620 (E.D. La. 1990) (citing *United States v. Michigan*, 116 F.R.D. 655, 660 (W.D. Mich. 1987)). "Courts typically grant amicus status where the parties 'contribute to the court's understanding of the matter in question' by proffering timely and useful information." *Ga. Aquarium, Inc. v. Pritzker*, 135 F. Supp. 3d 1280, 1288 (N.D. Ga. 2015) (citation omitted). When exercising their discretion, courts "err on the side of granting leave" because "[i]f an amicus brief that turns out to be unhelpful is filed, the [court], after studying the

case, will often be able to make that determination without much trouble and can then simply disregard the amicus brief. On the other hand, if a good brief is rejected, the [court] will be deprived of a resource that might have been of assistance.” *Neonatology Assocs., P.A. v. Comm’r*, 293 F.3d 128, 133 (3d Cir. 2002) (Alito, J.).

Like Oklahoma, proposed amici are concerned by the recent surge of children suffering from gender dysphoria and other forms of gender-related psychological distress. And like Oklahoma, proposed amici are concerned because these vulnerable children are suffering greatly and need help. The question is how to help them. Throughout their brief, Plaintiffs assert that gender-transition procedures—puberty blockers, cross-sex hormones, and surgical interventions—are “the only effective treatment for gender dysphoria.” Doc. 6 at 7. The problem is that the evidence does not support this approach—regardless of whatever label Plaintiffs wish to attach. That’s why experts in several European countries and the State of Florida have moved away from those treatments. And that’s why a growing number of States, including some of the proposed amici, have banned gender-transition procedures when provided to minors. Proposed amici thus write in support of Oklahoma’s similar law and respectfully ask the Court to grant their motion for leave to file the attached brief.

Respectfully submitted on this 16th day of June, 2023,

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing motion was served on all parties via this Court's CM/ECF system.

Dated: June 16, 2023

s/ Dylan L. Jacobs
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